

January 10, 2002

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION

SUBJECT: Department of Development and Environmental Services File No. **L00P0022**

COPPER HILL
Plat Application

Location: 22521 – 104th Avenue Southeast, Kent

Applicant: Bill Goodwin Jr., *represented by*
Shupe Holmberg
Baima & Holmberg Inc.
100 Front Street South
Issaquah, WA 98027-3817
Telephone: (425) 392-0250
Facsimile: (425) 391-3055

King County: Department of Development and Environmental Services
Current Planning, *represented by*
Fereshteh Dehkordi
900 Oakesdale Avenue SW
Renton, WA 98055-1219
Telephone: (206) 296-7173
Facsimile: (206) 296-7051

SUMMARY OF DECISION:

Department's Preliminary Recommendation:

Approve, subject to conditions

Department's Final Recommendation:

Approve, subject to conditions

Examiner's Decision:

Approve, subject to conditions

PRELIMINARY MATTERS:

Application or petition submitted:

October 22, 2000

Complete application:

November 29, 2000

EXAMINER PROCEEDINGS:

Hearing Opened: January 8, 2002
Hearing Closed: January 8, 2002

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Site access
- Right-of-way vacation

SUMMARY:

The preliminary plat application is granted subject to conditions.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer:	Bill Goodwin, Jr. 25403 104 th Avenue SE, Suite 7 Kent, WA 98031 (253) 850-7220
Engineer:	Baima & Holmberg, Inc. 100 Front Street South Issaquah, WA 98027 (425) 392-0250
STR:	NW ¼ 17-22-05
Location:	The property lies west of 104 th Avenue SE and approximately 350 feet south of SE 224 th Street
Zoning:	R-6 SO
Acreage:	3.2 Acres
Number of Lots:	19
Density:	6 du/acre
Typical Lot Size:	4700 square feet
Proposed Use:	Single Family
Sewage Disposal:	City of Kent
Water Supply:	Soos Creek Water and Sewer District
Fire District:	King County Fire District 37

School District: Kent School District

Complete Application Date: November 29, 2000

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the January 8, 2002 public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. Bill Goodwin Jr. has filed a preliminary plat application to develop 19 single-family residential lots on 3.2 acres within the R6 SO zone. The property is located east and north of the City of Kent and west of the SR 515 corridor. Properties adjacent to SR 515 are characterized by high density urban residential development while properties further removed from SR 515 to the west are a mixture of urban development and traditional rural residential properties. Copper Hill will not have direct access to SR 515, but will exit north to 104th Avenue Southeast in order to reach SR 515 via Southeast 224th Street.
4. Lots 7 and 8 on the eastern extremity of the plat are proposed to be partially created from road right-of-way along 104th Avenue Southeast that will be vacated. The Washington Department of Transportation is in the process of conveying to the Applicant right-of-way along the eastern edge of lot 7 and has deeded to King County the portion of a cul-de-sac bulb lying within lot 8. The lot 8 property is expected to be conveyed to the Applicant through a road vacation procedure.

CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat application for Copper Hill, as revised and received on October 22, 2001, is APPROVED, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is

larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.

4. The existing structure shall be removed prior to the final plat approval. A demolition permit shall be obtained prior to any demolition work is done.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
 - d. Storm water runoff control shall be provided using the Level Two flow control standard outlined in the 1998 KCSWDM. (The conceptual drainage plan shown in the preliminary plat submittal has been sized to only accommodate the Level One flow control standard.)

Due to the presence of on-site till soils and the need to control interflow to the adjacent plat of Country View Estates, roof drain storm water shall not be infiltrated or dispersed within the lot area. A french drain or shallow drainage swale shall be installed along the west property line of proposed lot 19. If a rockery is installed along this property line, the standard rockery drain shall satisfy this requirement.

- e. Core Requirement No. 8: Water Quality. This site is subject to the Basic water quality standard of the 1998 KCSWDM.
- f. Special Requirement No. 1: Other Adopted Area-Specific Requirements.

The proposed plat is located within the Soos Creek Community Plan, which contains special P-Suffix conditions related to seasonal construction and tree retention. The applicable P-suffix requirements shall be addressed on the final engineering plans.

- 8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS), including the following requirements:
 - a. During preliminary review the applicant submitted a road variance application (File No. L01V0041), regarding minimum horizontal curve radius of a subcollector road. The variance received conditional approval on August 15, 2001 allowing for a minimum 55-foot horizontal curve radius connecting 104th Avenue SE and SE 225th Place.
 - b. Southeast 225th Place shall be improved as an urban subcollector street.
 - c. Tract E shall be reserved as a private joint use driveway to serve a maximum of two future lots with a minimum tract width of 20 feet. Improvements to the tract shall only include those needed to satisfy access requirements for a detention pond as defined in the 1998 KCSWDM. An easement shall be provided to King County over Tract E to provide maintenance access to the stormwater detention facility.
 - d. Tracts C and D shall be reserved as private access tracts to serve the future development of Tax Lots 38 and 100 located directly south of the site. No improvements are required for Tracts C and D. The minimum tract width shall be 26 feet with a maximum length of 150 feet. Because of the future annexation potential to the City of Kent, driveway drops shall be provided in the (already required) sidewalks of SE 225th Place per 1993 KCRS, Figures 3-004 or 3-005.
 - e. The applicant shall attempt to determine the disposition of Tracts C, D and E prior to the final recording of the Copper Hill plat through negotiation with the adjacent, benefited landowners. If the adjacent property owners accept ownership and/or maintenance responsibilities for these tracts, they shall sign the face of the plat. If transfer of ownership cannot be negotiated before final plat recording of Copper Hill, the homeowners association shall retain undivided ownership of the tracts and be responsible for their undeveloped maintenance until such time as the adjacent (off-site) lots are developed.
 - f. The temporary cul-de-sac in the adjacent Country View Estates shall be removed and driveways and landscaping restored unless otherwise agreed to by affected lot owners.
 - g. Frontage improvements on 104th Avenue SE shall be to the subcollector standard. As previously stated, a 55-foot horizontal curve radius is allowed for the transition of 104th Avenue SE to SE 225th Place. The curb line and corresponding sidewalk on the south side of SE 225th Place shall follow the allowed horizontal curve radius to the centerline of

- 104th Avenue SE unless otherwise approved during the engineering review.
- h. Off-site frontage improvements on 104th Avenue SE between SE 225th Place and SE 224th Street shall consist of delineation of fog line striping on both sides of the road to separate a walkway for school children. It will also separate the travelway from the parking area of the apartment complex on the east side of 104th Avenue Southeast. Any proposed road improvements shall be consistent with the requirements for road surfacing outlined in KCRS Chapter 4.
 - i. Street trees shall be included in the design of all road improvements, and shall comply with Section 5.03 of the KCRS.
 - j. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
 - k. The existing right-of-way for a cul-de-sac in the vicinity of proposed lot 8 shall be vacated prior to final plat approval. Then the temporary cul-de-sac shall be removed.
9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
 10. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
 11. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
 12. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.). As proposed, the recreation tract is about 900 square feet smaller than the required 7,410 square feet for a 19-lot subdivision. Additional sport facilities such as a half basketball court shall be provided. A partial fee in lieu of open space shall be paid to the King County Parks. The amount of fee shall be determined by the King County Parks Division consistent with the provisions of KCC 21A.14.185.
 - a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements including landscaping consistent with KCC 21A.16 requirements. The approved engineering plans shall be consistent with the overall conceptual plan.

- b. A detailed recreation space plan (i.e., landscape specs, equipment specs, additional sport amenity, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
 - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
 - d. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation open space.
13. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
 - i. A landscape inspection fee shall also be submitted prior to plat recording. The

inspection fee is subject to change based on the current County fees.

14. The purchase of that portion of right-of-way owned by WSDOT and within the proposed lot 7 shall be completed prior to final plat approval. If the right-of-way is not available at that time, then the proposed lot 7 cannot be recorded.
15. The following condition has been established under SEPA authority as necessary to mitigate the adverse environmental impacts of this development. The Applicant shall demonstrate compliance with this item prior to final approval.

WSDOT has indicated that this project will impact the High Accident Corridor (HAC) on SR 515. The applicant has agreed to enter into a voluntary agreement with WSDOT to mitigate this impact by paying the "per trip" fee of \$88.00 per lot. This contribution will be paid in full prior to the final plat approval. Receipt of payment will result in the project being deemed mitigated by WSDOT. The following the mitigation condition requested by WSDOT:

The "per trip" fee for mitigation of HAC on SR 515 shall be paid to WSDOT prior to the final plat approval

ORDERED this 9th day of January, 2002.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 9th day of January, 2002, to the following parties and interested persons:

Walter Bardsley	Laura M. Beaver	Mark Bergam
Greg Borba	Kim Claussen	Fereshteh Dehkordi
Roger Dorstad	Nick Gillen	Bill Goodwin
Michael Harris	Shupe Holmberg	Eric Hong
Eleanor Moon	Paul & Suzanne Kiehn	Kristen Langley
Pyramid Homes	Carol Rogers	David & Patricia
Rosten		
Sandra Rotter	Seattle/KC Health Dept.	Tom & Jennifer
Stock		
Dean Thompson	Steve Townsend	Linda Matlock
Larry West		

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before January 24, 2002**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before January 31, 2002**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal. Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE JANUARY 8, 2002 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO: L00P0022

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Fereshteh Dehkordi and Mark Bergam. Participating in the hearing and representing the Applicant was Shupe Holmberg. There were no other participants in this hearing.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L00P0022
- Exhibit No. 2 Department of Development and Environmental Services Preliminary Report, dated January 8, 2002
- Exhibit No. 3 Application dated October 25, 2000
- Exhibit No. 4 Environmental Checklist dated August 21, 2000.
- Exhibit No. 5 Mitigated Declaration of Non-significance, dated November 9, 2001
- Exhibit No. 6 Affidavit of Posting indicating December 7, 2000 as date of posting and December 8, 2000 as the date the affidavit was received by the Department of Development and Environmental Services
- Exhibit No. 7 Plat Maps:
 - a. Revised Site Plan dated October 22, 2001
 - b. Revised Conceptual Drainage Plan dated October 22, 2001
 - c. Revised Road and Profile Plan dated October 22, 2001
- Exhibit No. 8 Land Use Map
- Exhibit No. 9 Assessors Map, SW8-22-5
- Exhibit No. 10 Certificate of Transportation Concurrent issued January 7, 2001
- Exhibit No. 11 Level One Downstream Drainage Analysis received October 25, 2000
- Exhibit No. 12 Traffic report dated March 25, 2001
- Exhibit No. 13 Road Variance Approval Letter dated August 15, 2001
- Exhibit No. 14 Quit Claim Deed from State of Washington to King County
- Exhibit No. 15 Memo from Jim Bergs to Shupe Holmberg regarding discussion with Tommy Burdette regarding road vacation